

REMARKS

The office action and the patents that were cited and applied have been carefully considered together with the present application and amendments have been made to the independent claims 1 and 10 to more clearly define the present invention and to emphasize pre-existing differences between the present invention and the prior art that has been cited and applied by the examiner.

The examiner has rejected claims 1-9 under § 112, second paragraph, as being indefinite. With regard to claim 1, the examiner objects to the use of the phrase “of the type” because it is stated to be unclear as to what “type” of rotary hand tool the applicant is intended to convey. Applicant respectfully traverses this rejection as it is believed to be completely clear. The language itself states that it is of the type “having a generally cylindrical housing in which a drive motor located, the housing having a nose portion at an end from which a motor output shaft extends in a grip portion around which an operator can wrap a hand during operation of the tool and within which portion the motor is housed”. This preamble language provides the environment for the claimed control mechanism. It is not understood why the use of the phrase “of the type” renders the claim indefinite for the simple reason that it clearly defines all of the characteristics of the type that is intended. However, if the examiner insists upon maintaining this rejection, applicant will delete this phrase from the claim.

The examiner also has rejected claim 9 because of the use of the phrase “said compressible material”. Claim 9 has been amended to use the proper necessary

antecedent basis that was supplied in claim 6. With regard to claim 10, it has been amended and in so doing, applicant believes that this rejection is also traversed.

The examiner has rejected claims 1 and 3-10 under 35 U.S.C. § 102 as being anticipated by Von Hollen and has also rejected claims 1 and 2 under 35 U.S.C. § 102 as being anticipated by Markle. As a result of the amendments that have been made to independent claims 1 and 10, it is believed that neither of these claims are anticipated, taught or suggested by either Markle or Von Hollen. Claim 1 now claims a control mechanism that comprises, *inter alia*, an electrical control circuit that controls the application of power to an operation of the motor including supplying current to the motor as well as a light touch switch as claimed which now included the recitation "wherein said motor current does not flow through said switch". Similarly, claim 10 claims an apparatus that includes, *inter alia*, an electrical control circuit for controlling power including motor current that is applied to the motor as well as a switch having a switch button wherein said switch is operatively connected to said control circuitry to control the operation of the motor, including the application and motor current to the motor, said switch being configured so that motor current does not pass through the switch contacts during operation of the motor.

Neither Von Hollen nor Markle anticipate, teach or suggest the control mechanism or apparatus operates in an electrical control circuit in the manner as claimed. Markle has a switch that directly controls power to the motor and therefore must be designed to be able to handle the motor current. The Markle circuit shown in Fig. 4 has a switch in the flared end that cooperates with switch 20 to complete the circuit to ground

via contact 60, insulated flexible conductor 61 and conductive sleeve 55 whenever the flared end 12 is sufficiently squeezed; and also has a similar insulated flexible conductor (not shown) which is understood to complete ground connections from sleeve 41 to the motor ground 62 as is described at column 3, lines 34-43. Thus, the motor current necessarily flows through the circuit and must be designed to carry the full motor current. This is unlike the applicant's invention where the circuit in Fig. 5 has power from a source 42 passing through the motor 40, transistor 42 to ground when the switch contacts 34 are closed to operate the oscillator 44 that controls the operation of the transistor 48. Thus, the motor current does not go through the nose switch 30, and as stated in the specification, this is important in that it enables the nose switch 30 to be smaller and more compact in its design and construction as is desired.

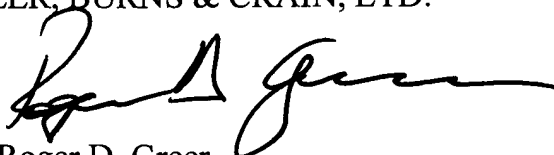
The dependent claims necessarily incorporate the subject matter of the independent claims from which they depend and in addition add other features and/or functionality that are not found in the independent claims and for this reason the dependent claims are also believed to be in condition for immediate allowance. Reconsideration and allowance of all claims presenting pending in the application is therefore respectfully requested.

Respectfully submitted,

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